

Freedom of Information Act 2000 - Request Reference FoI/23/088

Surgical Recording

Information Requested:

Surgical Video Recording

1. Are surgical procedures routinely recorded in your trust?

No.

2. What percentage of Consultant Surgeons routinely record their surgical procedures in your trust?

Cardiff and Vale University Health Board (the UHB) does not hold this information.

Technology

3. What platform/software is used in your trust to a) record and b) store surgical video recordings (if different)? Please provide the name(s), manufacturer(s), and annual cost(s) of the platform/software used by your trust.

The UHB do not routinely record surgical procedures. Where a recording is made for research purposes the processing of that recording will be determined by the specifics of the study protocol.

4. Does your trust store surgical video recordings on NHS computer systems or does it use a third-party product?

Cardiff and Vale University Health Board (the UHB) is withholding this information, relying on Section 31 (1) (a) of the Freedom of Information Act 2000 (prevention and detection of crime). Specifically, the UHB believes that disclosing details regarding its ICT infrastructure, or support of that infrastructure, would be likely to prejudice the prevention of crime, particularly cyber-crime. As this is a qualified exemption, the UHB is required to complete a public interest test in deciding whether it is in the public's interest to withhold or disclose the information.

Public Interest Test:

In favour of disclosure: The UHB recognises there is a public interest in transparency and in public authorities demonstrating that their systems effectively protect personal data.

Against disclosure: There is a very strong public interest in protecting the extremely sensitive data held by the UHB. Cyber Security and the associated Cyber-Risk / Cyber-Attacks represent a rapidly evolving arena that becomes more complex and dangerous with time. Releasing details of the UHB's ICT infrastructure into the public domain significantly reduces its capacity to manage this threat to the stated public interest by exposing potential vulnerabilities.

Decision: The UHB considers that the public interest in withholding the information is significantly greater than any interest there may be in disclosing it and potentially exposing sensitive personal data to an increased level of risk. The UHB strongly believes that posing additional unnecessary risk to the UHB, and

consequently patient care and safety, would be viewed as an unacceptable risk by the public. Whilst the UHB acknowledges a public interest in providing assurances of effective protection of personal data, it believes the most effective means of increasing public confidence in data protection is to successfully protect the data itself. The UHB considers its responsibility to protect the personal data of patients and staff to be of the highest importance. It was therefore decided that it was not in the public's interest to disclose this information.

5. Does your trust limit how long surgical video recordings can be stored for?

All UHB data is retained in accordance with the Records Management Code of Practice for Health and Social Care 2022.

Consent

6. Are patients undergoing surgical procedures asked explicitly for consent to record their procedure a) as part of their routine care or b) in an additional consent process?

Additional consent process.

7. Does the consent to record the procedure explicitly include permission to use the recording for non-clinical purposes (e.g. education, research)?

Yes.

Access

8. Are there policies for Consultant Surgeons accessing/using their procedural recordings in your trust? If yes, please supply a copy of your policy.

Yes, when the recordings are undertaken by the staff in Medical Illustration. Please see attached. Where a recording is made for research purposes the processing of that recording will be determined by the specifics of the study protocol.

9. Are there policies for Patients accessing/using their procedural recordings in your trust? If yes, please supply a copy of your policy.

Patients can submit a request for any personal data in accordance with Article 15 of GDPR. Please also see the section on the right to access information on the UHB's website

[Freedom of Information - Cardiff and Vale University Health Board \(nhs.wales\)](https://www.nhs.uk/infocentre/articles/2017/05/01/freedom-of-information-cardiff-and-vale-university-health-board/)

10. Are procedural recordings used for non-clinical purposes (e.g. education, research) in your trust?

Yes.

Governance

11. Does your trust have a governance policy for the a) recording, b) use, and/or c) storage of surgical video recordings? If yes, please supply a copy of your policy.

Please see attached the Consent to Examination or Treatment Policy, Page 60,
The UHB also complies with the GMC policy regarding 'Making and using visual and audio recordings of patients'.